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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,605	10/30/2003	Barney Jeffery Auman		6872

7590
Jacelyn Auman
20 Canyon Cove
Logan, UT 84321

02/10/2006

EXAMINER

THISSELL, JENNIFER I

ART UNIT PAPER NUMBER

3635

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,605

Applicant(s)

AUMAN, BARNEY JEFFERY

Examiner

Jennifer I. Thissell

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-25 is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 18,19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 and 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 8 are rejected because they state that the “backing member is included on the **second** column portion”, while at the same time the first surface features are defined on the inner surface of the second structural component. It is unclear as to whether this should read “on the **first** column portion”, or whether applicant intends to recite the claim in that manner. It is unclear as to how the first and second portions would intermesh in that manner. Correction or clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by King ('682). King teaches a multi-portion structural component system having a first structural portion 31 and a second structural portion 25 together defining an interface (seen in Figure 5), and a means for intermeshing (Figure 5) the first and second portion in a desired arrangement. The means for intermeshing extends on the first and second portions along the length of the interface, and the means for intermeshing is proximate the interface. The means for intermeshing includes a plurality of first surface features defined proximate an inner surface of the second structural component (on the underside of 29 in Figure 5), the features being the surface characteristics of the material and its shape, and there is also a backing member (the portion extending from about 37 to 39 in Figure 5) included on the second structural component, as the punched out regions 44a touch the second member. The backing member includes a plurality of second surface features that approximately and inversely match the first surface features. The pluralities of first and second surface features are randomly arranged, as surface characteristics that include surface irregularities occur randomly on a material. The surface materials are defined in a keyed material 46 that is positioned on the backing member.

Claims 1 and 7 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by Grewe et al. ('646). Grewe teaches a multi-portion structural component system comprising first and second structural portions (20 on the left and right in Figure 4) that define an interface (central region in Figure 4), and a means for intermeshing the first and second portions in a desired arrangement. The structural component is considered a column.

Claim 8 is rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by Gifford (US Pat. Pub. 2001/0022056). Gifford teaches a multi-portion column assembly having a first and second portion (22,22a) that together define an interface (Figure 6), the second column portion includes a first plurality of surface features, being the surface characteristics of the material, adjacent the interface, there is a backing member included on the first portion, the backing member includes a flange 20 that extends across the interface such that the flange is proximate the first plurality of surface features, and there is a keying material 24 positioned on the flange. The keying material includes a second plurality of surface features, being the surface characteristics of the material, that cooperatively intermesh with the first plurality of surface features when they are mated such that a desired alignment is achieved.

Claims 1-6 and 13-17 are rejected, as understood, under 35 U.S.C. 102(b) as being anticipated by King ('682). In Figure 5, King is defining by way of presenting, first and second portions 31,25 of a structural component, on the inner portion of the second portion of the structural component there are a first plurality of surface features, being the surface characteristics of the material, and on the first portion there are a second plurality of surface features, being the surface characteristics of the material. The first and second surface features approximately intermesh when the components are mated. King is further defining the second surface features in relation to a flange 32 of a backing member 37 included on the first portion, he is defining the first plurality of surface features on a keying material 46 on the inner surface of the second portion, and is defining the second plurality of surface features on a keying material positioned on the flange. When the portions are compressively engaged, the first and second pluralities of surface features are simultaneously defined, or simultaneously exist, by compressing the keying material. The keying material is pliable during engagement, as some areas become thicker than others (column 4, line 30). King is also defining, by way of presenting, the second surface features by compressively engaging the keying material on the flange with the first surface features. The first surface features are also considered to be pre-defined and hardened, as the structural portion exists as a hardened material, and the keying material is initially pliable.

Possible Allowable Subject Matter

Claims 9-12 may possibly be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Final determination will be made after the claims have been amended.

Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-25 are allowed.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I. Thissell whose telephone number is (571) 272-6849. The examiner can normally be reached on Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'JH' or similar, located on the left side of the page.A handwritten signature in black ink, located above the printed name of Carl D. Friedman.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600